IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 206 of 1997

with

SPECIAL CIVIL APPLICATION No 7387 & 7388 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT STATE TEXTILES CORPN.

Versus

HEIRS OF JAYANTILAL D GANDHI

Appearance:

MS PJ DAVAWALA for Petitioner No. 1

Mr. S.J. Shah and Mr. N.R. Sahani for for Respondents.

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 09/04/2002

ORAL JUDGEMENT

Heard learned advocate Ms. P.J.Davawala for the petitioners and Mr. Shah and Mr. Sahani for the respondents in these three petitions. In these matters, the respondents filed applications before the controlling authority claiming amount of gratuity. The controlling authority has granted the amount of gratuity in their favour. Against that order of the controlling authority, appeals were preferred by the petitioner wherein the appellate authority remanded the matters back to the controlling authority. Thereafter, in remand, the controlling authority again allowed the applications for gratuity and confirmed its earlier orders in favour of the respondents. Review applications preferred against the subsequent order passed by the controlling authority was rejected and appeal has also been rejected and, thereafter, present petitions have been filed before this court by the corporation.

Learned advocate Ms. Davawala has submitted that in identical matter challenging the orders of the controlling authority and appellate authority filed by the petitioner being Special Civil Application NO. 4679 of 1987, this Court (Coram : K.M. Mehta,J.) has, by order dated 30th August, 2001, rejected the petition filed by the petitioner. Copy of the order passed by this Court dated 30th August, 2001 in Special Civil Application No. 4679 of 1987 is ordered to be taken on record.

Therefore, considering this statement made by Ms. Davawala, according to my opinion, these petitions are required to be dismissed since the identical matter has been dismissed by this court. Accordingly, these three petitions are dismissed. Rule in each of these petitions shall stand discharged. Ad.interim relief, if any, shall stand vacated with no order as to costs.

Appellate authority is directed to pay the amount of gratuity which has been deposited by the petitioner before it.

Dt.9.4.2002. (H.K. Rathod,J.)
Vyas